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Transcript of Isaac Lefkowitz, Corporate Designee (PHARMACORR)

Date: August 14, 2023

Case: Tehum 2004 Exams, In Re:

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1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF TEXAS

3 HOUSTON DIVISION

4 - - - - - x

5 IN RE: :

6 TEHUM CARE SERVICES, INC. : Case No.

7 DEBTOR. : 23-90086 (CML)

8 : CHAPTER 11

9 - - - - - x

10
11 REMOTELY CONDUCTED VIDEOTAPED DEPOSITION OF

12 ISAAC LEFKOWITZ

13 AS CORPORATE DESIGNEE FOR PHARMACORR, LLC

14 MONDAY, AUGUST 14, 2023

15 11:55 A.M. CST

16
17
18 JOB NO.: 503115

19 PAGES: 1 - 76

20 REPORTED BY: KARISA EKENSEAIR, CCR RMR

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1 DEPOSITION OF ISAAC LEFKOWITZ, CORPORATE
2 DESIGNEE, CONDUCTED VIA ZOOM VIDEOCONFERENCE.

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10 Pursuant to notice, before Karisa J.
11 Ekenseair, Certified Shorthand Reporter in and for
12 the States of Arkansas, Oklahoma, Missouri,
13 Tennessee, Georgia, Washington, and Illinois;
14 National Registered Professional Reporter,
15 National Registered Merit Reporter, Notary Public
16 in and for the State of Arkansas.
17
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22
23
24
25

A P P E A R A N C E S

ON BEHALF OF OFFICIAL COMMITTEE OF UNSECURED
CREDITORS (VIA ZOOM) :

ZACHARY HEMENWAY, ESQUIRE

NICHOLAS ZLUTICKY, ESQUIRE

ANNA TURNER, ESQUIRE

STINSON, LLP

1201 WALNUT STREET, SUITE 2900

KANSAS CITY, MISSOURI 64103

816-842-9600

ON BEHALF OF PHARMACORR, LLC AND PERIGROVE
1018, LLC (VIA ZOOM) :

MELISSA HAYWARD, ESQUIRE

HAYWARD PLLC

10501 N. CENTRAL EXPY, SUITE 106

DALLAS, TEXAS 75231

972-755-7104

Transcript of Isaac Lefkowitz, Corporate Designee (PHARMACORR)
Conducted on August 14, 2023

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF TEHUM CARE SERVICES, INC. (VIA ZOOM) :

AARON KAUFMAN, ESQUIRE

GRAY REED

1601 ELM STREET, SUITE 4600

DALLAS, TEXAS 75201

214-954-4134

ON BEHALF OF KOCHISE JACKSON, WILLIAM KELLY, AND
DERICO THOMPSON (VIA ZOOM) :

IAN CROSS, ESQUIRE

CROSS LAW, PLLC

402 WEST LIBERTY STREET

ANN ARBOR, MICHIGAN 48103

734-994-9590

ALSO PRESENT:

MALCOLM COOKE, REMOTE TECHNICIAN

LAWRENCE WALLACE, VIDEOGRAPHER

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins Media
Number 1 in the videotaped deposition of Isaac
Lefkowitz, designated representative in the matter
of Tehum 2004 exams, In Re the United States
Bankruptcy Court for the Southern District of
Texas, Houston Division, Case Number
23-90086 (CML).

Today's date is August 14, 2023. The time
on video monitor is 11:55 a.m. Central time. The
videographer today is Lawrence Wallace
representing Planet Depos.

This video deposition is taking place
remotely via Zoom.

Will counsel please voice-identify
themselves and state whom they represent beginning
with the taking attorney, please.

MR. HEMENWAY: Zach Hemenway from Stinson
LLP, for the Committee, and Anna Turner from my
firm is here as well.

MS. HAYWARD: Melissa Hayward on behalf of
PharmaCorr, LLC of Hayward PLLC.

And just so that the record is clear, this
2004 examination is being taken of PharmaCorr,
LLC. And Mr. Lefkowitz is appearing as the

Transcript of Isaac Lefkowitz, Corporate Designee (PHARMACORR)

Conducted on August 14, 2023

8

1	designated represented of PharmaCorr, LLC.	11:56:42
2	THE VIDEOGRAPHER: The court reporter	11:56:48
3	today --	11:56:51
4	MR. HEMENWAY: Yeah. We need one more	11:56:51
5	attorney here.	11:56:52
6	THE VIDEOGRAPHER: Oh, I'm sorry. My	11:56:52
7	apologies. Go ahead.	11:56:54
8	MR. KAUFMAN: For the debtor, Tehum Care	11:56:56
9	Services, Inc., this is Aaron Kaufman with the law	11:56:58
10	firm Gray Reed.	11:57:01
11	MR. HEMENWAY: And Ian, go ahead.	11:57:01
12	MR. CROSS: And Ian Cross for Kohchise	11:57:05
13	Jackson, William Kelly, and Derek Thompson.	11:57:09
14	MR. HEMENWAY: All right.	11:57:12
15	THE VIDEOGRAPHER: The court reporter	11:57:14
16	today is Karisa Ekenseair representing Planet	11:57:15
17	Depos.	11:57:15
18	Will the reporter please swear in the	11:57:15
19	witness?	11:57:18
20	ISAAC LEFKOWITZ	11:57:18
21	of lawful age, being first duly sworn, deposes and	11:57:18
22	says in reply to the questions propounded as	11:57:18
23	follows:	11:57:18
24	MR. HEMENWAY: All right. Before we get	11:57:38
25	started, I'm just going to put on the record the	11:57:39

1 same agreement that we mentioned at the Geneva
2 2004, that the Committee has agreed to a limited
3 scope of topics to focus on information relevant
4 to mediation with the understanding and agreement
5 from PharmaCorr, LLC that moving forward with this
6 list of topics doesn't impact the Committee's
7 right to conduct a future 2004 exam, nor
8 PharmaCorr's right to object to any future topics.

11:57:41

11:57:45

11:57:49

11:57:52

11:57:56

11:58:02

11:58:05

11:58:08

9 MS. HAYWARD: And agreed with that.

11:58:13

10 However, with the caveat that the list of topics
11 that was served are different from the list of
12 topics that PharmaCorr has agreed to provide
13 testimony on. And so to the extent that these
14 questions go beyond what PharmaCorr agreed to
15 provide testimony on, I will object.

11:58:14

11:58:18

11:58:20

11:58:24

11:58:28

11:58:32

16 EXAMINATION

11:58:44

17 BY MR. HEMENWAY:

11:58:44

18 Q Okay. So Mr. Lefkowitz, I'll dispense
19 with the preliminaries, not to be impolite, but
20 because we already did them this morning when you
21 were representative for another party. So we also
22 went through how to respond to questions and how
23 the -- to get everything for the court reporter.

11:58:44

11:58:46

11:58:48

11:58:51

11:58:54

11:58:57

24 So let's start with what did you do to
25 prepare for this deposition?

11:59:00

11:59:03

1	A Before we get started -- could	11:59:04
2	Mr. Cross --	11:59:07
3	Q He already did?	11:59:09
4	A No. Could he clarify whether he's going	11:59:11
5	to be asking the witness any questions?	11:59:14
6	MS. HAYWARD: He will not.	11:59:16
7	MR. CROSS: I will not be asking the	11:59:18
8	witness any questions.	11:59:19
9	THE WITNESS: Okay. Go ahead, Zach.	11:59:24
10	BY MR. HEMENWAY:	11:59:25
11	Q Mr. Lefkowitz, what did you do to prepare	11:59:25
12	for this deposition?	11:59:27
13	A Discussed it with counsel.	11:59:29
14	Q Discussed it with anybody else?	11:59:31
15	A No.	11:59:34
16	Q And when you say counsel, who is that?	11:59:39
17	A Melissa Hayward.	11:59:42
18	Q Any other attorneys?	11:59:42
19	A No.	11:59:45
20	Q Does PharmaCorr have a general counsel?	11:59:47
21	A No.	11:59:51
22	Q And I assume you reviewed the list of	11:59:51
23	topics, either the one Ms. Hayward was referencing	11:59:57
24	or the one that was served?	12:00:02
25	A Correct.	12:00:04

1	Q Did you review any documents?	12:00:04
2	A Yes.	12:00:07
3	Q What documents did you review?	12:00:07
4	A Whatever was produced.	12:00:12
5	Q By whom?	12:00:13
6	A PharmaCorr.	12:00:15
7	Q PharmaCorr hasn't produced documents,	12:00:17
8	Mr. Lefkowitz.	12:00:20
9	A Whatever they produced.	12:00:21
10	Q Who is they?	12:00:24
11	A If PharmaCorr produced documents, I	12:00:25
12	reviewed them. Whatever PharmaCorr produced, I	12:00:29
13	had discussion about it. Could be some of them	12:00:31
14	were attorney-client privileged documents.	12:00:34
15	Q So you reviewed attorney-client privileged	12:00:37
16	documents relating to Corizon and YesCare?	12:00:40
17	MS. HAYWARD: Objection, form.	12:00:45
18	A I'm here on behalf of PharmaCorr right	12:00:49
19	now.	12:00:52
20	Q I am asking what documents --	12:00:52
21	A I reviewed the documents request and I	12:00:53
22	reviewed the deposition request. And whatever is	12:00:57
23	related to that, I reviewed.	12:01:02
24	Q And what documents are related to that?	12:01:03
25	A Have you gotten any documents from	12:01:10

Transcript of Isaac Lefkowitz, Corporate Designee (PHARMACORR)

Conducted on August 14, 2023

12

1	PharmaCorr?	12:01:12
2	MS. HAYWARD: No. PharmaCorr has not	12:01:13
3	produced any documents.	12:01:16
4	THE WITNESS: Not produced any documents.	12:01:18
5	Okay.	12:01:20
6	So probably reviewed, you know, internal	12:01:20
7	files and folders, and I prepared myself for	12:01:23
8	deposition.	12:01:25
9	BY MR. HEMENWAY:	12:01:25
10	Q So you reviewed PharmaCorr's internal	12:01:25
11	files and folders?	12:01:30
12	A Correct.	12:01:31
13	Q And what was in those internal files and	12:01:31
14	folders, information relating to the topics?	12:01:34
15	A Correct.	12:01:37
16	Q And how many files and folders did you	12:01:38
17	review?	12:01:48
18	A I looked into my e-mails, searched,	12:01:50
19	reviewed. I'm ready for the deposition. If you	12:01:56
20	have a question, go ahead and I'll answer it.	12:01:58
21	Q My question is what documents you	12:02:01
22	reviewed. That's what I'm trying to ask right	12:02:04
23	now.	12:02:07
24	A I looked at the financial documents of the	12:02:07
25	company.	12:02:12

1	Q And are those maintained -- do you	12:02:12
2	maintain those documents?	12:02:15
3	A PharmaCorr does.	12:02:16
4	Q And how do you access PharmaCorr's	12:02:17
5	financial documents?	12:02:22
6	MS. HAYWARD: Objection, form. Again,	12:02:23
7	where is this within the scope of topics?	12:02:24
8	MR. HEMENWAY: Well, payments,	12:02:27
9	transactions, and transfers of funds and other	12:02:28
10	assets made to PharmaCorr.	12:02:30
11	MS. HAYWARD: Okay. I don't know that --	12:02:33
12	how PharmaCorr maintains documents falls with	12:02:34
13	that. If you want to ask the witness about	12:02:38
14	transfers or payments to PharmaCorr, by all means	12:02:40
15	show him documents, but --	12:02:44
16	MR. HEMENWAY: He reviewed financial	12:02:45
17	documents. I am asking which financial documents.	12:02:47
18	Q Which financial documents, Mr. Lefkowitz?	12:02:50
19	A Books and records of the company.	12:02:53
20	Q And where are those maintained?	12:02:54
21	A Oklahoma.	12:03:00
22	Q You went to Oklahoma to review them?	12:03:00
23	A I don't have to go to Oklahoma.	12:03:02
24	Q So how did you review them?	12:03:04
25	A Access to them.	12:03:08

1	Q Via what means?	12:03:09
2	A Via the server.	12:03:16
3	Q Whose server?	12:03:19
4	A PharmaCorr's server.	12:03:21
5	Q Are other companies' information kept on	12:03:22
6	that server as well?	12:03:26
7	MS. HAYWARD: Objection, form. This is	12:03:27
8	outside the scope of the topics. I'm going to	12:03:29
9	instruct the witness not to answer. Let's talk	12:03:32
10	about issues that are within the topics here.	12:03:34
11	Q What system is PharmaCorr's financial	12:03:36
12	records maintained on?	12:03:38
13	A Financial system.	12:03:39
14	Q Is it -- are these bank statements?	12:03:43
15	MS. HAYWARD: Objection, form. Again,	12:03:50
16	Mr. Hemenway, what topic do you believe that this	12:03:52
17	line of -- you did not include a topic about how	12:03:55
18	PharmaCorr maintains its documents.	12:04:00
19	MR. HEMENWAY: I'm asking about the	12:04:01
20	documents he reviewed for the deposition.	12:04:03
21	MS. HAYWARD: Well, no. You're asking	12:04:05
22	about much broader than that and how PharmaCorr	12:04:06
23	maintains its records.	12:04:09
24	MR. HEMENWAY: I'm asking about the	12:04:11
25	documents he reviewed for the deposition, so...	12:04:12

1	Q	You reviewed financial records for the	12:04:15
2		deposition. That was your testimony.	12:04:17
3		What system did you review these in?	12:04:19
4	A	You say what system? What do you mean	12:04:23
5		what system? What monitor I looked at?	12:04:26
6	Q	What form are these documents?	12:04:29
7	A	The financial system.	12:04:33
8	Q	What is that?	12:04:36
9	A	Financial system is a system where	12:04:40
10		financial records are kept, books and records.	12:04:43
11	Q	So you reviewed PharmaCorr's financial	12:04:54
12		statements?	12:04:58
13	A	Books and records.	12:05:02
14	Q	Okay. Did you review any other documents,	12:05:04
15		anything other than financial records?	12:05:10
16	A	Agreements.	12:05:16
17	Q	What agreements?	12:05:17
18	A	The agreements that PharmaCorr has.	12:05:18
19	Q	You reviewed every agreement that	12:05:23
20		PharmaCorr has in preparation for this deposition?	12:05:26
21	A	Whatever is relative.	12:05:28
22	Q	So you reviewed every agreement that	12:05:35
23		relates to services PharmaCorr performed for the	12:05:38
24		merger parties of the debtor since November 1st,	12:05:41
25		2021?	12:05:47

1	A	Correct.	12:05:47
2	Q	And any agreement that relates to payments	12:05:47
3		transactions or transfers of funds made to	12:05:51
4		PharmaCorr?	12:05:54
5	A	Correct.	12:05:54
6	Q	Or on its behalf?	12:05:55
7	A	Correct.	12:06:00
8	Q	Okay. So PharmaCorr is a Perigrove	12:06:00
9		portfolio company, correct?	12:06:10
10	A	Not correct.	12:06:12
11	Q	What's the relationship between PharmaCorr	12:06:15
12		and Perigrove?	12:06:17
13	MS. HAYWARD:	Objection, form. Can you	12:06:18
14		clarify what Perigrove you're talking about,	12:06:20
15		please?	12:06:22
16	Q	What's the relationship between PharmaCorr	12:06:25
17		and Perigrove, LLC?	12:06:29
18	A	I don't know if there is a relationship.	12:06:30
19	Q	What's the relationship between PharmaCorr	12:06:32
20		and Perigrove 1018, LLC?	12:06:34
21	A	I don't know if there is a relationship.	12:06:37
22	Q	And you're here testifying on behalf of	12:06:39
23		PharmaCorr, correct?	12:06:43
24	A	Correct.	12:06:44
25	Q	So you're not aware of Perigrove calling	12:06:44

1	PharmaCorr a portfolio company?	12:06:54
2	A I am aware.	12:06:55
3	Q Okay. Why does Perigrove call PharmaCorr	12:06:59
4	a portfolio company?	12:07:05
5	A Perigrove is not here in the deposition.	12:07:06
6	Q I'm asking you as the representative of	12:07:08
7	PharmaCorr.	12:07:11
8	MS. HAYWARD: Objection, form.	12:07:11
9	A As far as a representative of PharmaCorr,	12:07:15
10	I don't know why Perigrove calls it a portfolio	12:07:19
11	company.	12:07:23
12	Q Are you testifying that PharmaCorr does	12:07:23
13	not have a relationship with Perigrove?	12:07:25
14	MS. HAYWARD: Objection --	12:07:28
15	A Not that I am aware of.	12:07:29
16	MS. HAYWARD: -- form. Which Perigrove?	12:07:30
17	Q You said not that you're aware of?	12:07:35
18	A Counsel asked you which Perigrove are you	12:07:39
19	talking about.	12:07:42
20	Q Does PharmaCorr have a relationship with	12:07:43
21	Perigrove, LLC?	12:07:46
22	A Not that I am aware of.	12:07:48
23	Q Yet you're aware that Perigrove lists	12:07:50
24	PharmaCorr as a portfolio company?	12:07:53
25	A Yes. On their website.	12:07:56

1	Q Does PharmaCorr have a relationship with	12:07:58
2	Perigrove 1018, LLC?	12:08:03
3	A No.	12:08:05
4	Q Do you know who owned PharmaCorr prior	12:08:05
5	to -- or scratch that. I'll start over.	12:08:22
6	Do you know who owned PharmaCorr as of	12:08:24
7	November 21st, 2021?	12:08:28
8	A No.	12:08:29
9	Q Do you know who owned it as of December	12:08:29
10	31st, 2021?	12:08:32
11	A No.	12:08:33
12	MS. HAYWARD: And to be clear, for the	12:08:43
13	record, PharmaCorr did not agree to produce a	12:08:45
14	corporate representative to talk about the	12:08:47
15	ownership of PharmaCorr entities. That is	12:08:49
16	something that was added to the scope of topics by	12:08:51
17	the Committee over my objection.	12:08:54
18	MR. HEMENWAY: I mean, we know who owned	12:08:55
19	it. That's fine.	12:08:57
20	So let's do Exhibit 1. Let's just pull up	12:09:07
21	the website. So Mr. Lefkowitz, you mentioned that	12:09:16
22	you were aware that Perigrove lists PharmaCorr on	12:09:27
23	its website as a portfolio company. We're going	12:09:31
24	to pull up that website.	12:09:34
25	REMOTE TECHNICIAN: All right. Stand by.	12:09:37

1	(Exhibit 1 marked for identification.)	12:09:45
2	BY MR. HEMENWAY:	12:09:45
3	Q Mr. Lefkowitz, do you know who owns	12:09:54
4	PharmaCorr?	12:09:56
5	A No.	12:09:56
6	Q Do you know if it's affiliated with	12:09:56
7	Perigrove, LLC?	12:09:58
8	A No. It's not.	12:09:59
9	Q It's not affiliated with Perigrove, LLC?	12:10:01
10	A Not that I'm aware of.	12:10:04
11	Q Is it affiliated with Perigrove 1018, LLC?	12:10:06
12	MS. HAYWARD: Objection, form. Again, the	12:10:10
13	witness -- we did not agree to --	12:10:12
14	Q Is it affiliated with YesCare, Corp.?	12:10:14
15	MS. HAYWARD: Objection, form.	12:10:17
16	A I don't remember.	12:10:20
17	Q Is it affiliated with YesCare, Corp.?	12:10:24
18	I couldn't hear the answer.	12:10:27
19	A No not that I'm aware of.	12:10:28
20	Q Okay. Let's scroll down here. So	12:10:31
21	Perigrove is not affiliated with PharmaCorr, but	12:10:56
22	it lists PharmaCorr here and says PharmaCorr	12:11:00
23	creates strategic partnerships with correctional	12:11:03
24	healthcare providers and medical services.	12:11:07
25	Is that an accurate description of what	12:11:08

1 PharmaCorr does? 12:11:11

2 A PharmaCorr has its own website. You can 12:11:15

3 scroll on PharmaCorr's website to see what it 12:11:19

4 does. 12:11:21

5 Q That's not an answer to my question. 12:11:23

6 Is that what PharmaCorr does? Does it 12:11:25

7 create strategic partnerships with correctional 12:11:27

8 healthcare providers and medical services to 12:11:31

9 provide integrated pharmacy services? 12:11:33

10 A I didn't create this website. I'm not 12:11:37

11 involved in this website. I'm not going to 12:11:39

12 testify about the website. If you want to know 12:11:41

13 what PharmaCorr does -- 12:11:41

14 Q What -- 12:11:41

15 A -- tell you exactly what -- you're not 12:11:44

16 going to let me finish my sentence? That's okay 12:11:46

17 too. 12:11:48

18 Q What does PharmaCorr do? 12:11:49

19 A They're a closed-end pharmacy. 12:11:51

20 Q What does that mean? 12:11:56

21 A Pharmacy. 12:12:00

22 Q You said a word before pharmacy and it 12:12:02

23 sounded like it was a descriptor of what type of 12:12:06

24 pharmacy. 12:12:10

25 A Closed-end pharmacy. 12:12:11

1 Q And what does closed-end mean? 12:12:13

2 A It does not provide retail pharmacy. 12:12:16

3 Q Who does it provide pharmacy services to? 12:12:21

4 I'm not asking about the companies, but you say 12:12:25

5 not retail so who are the customers? 12:12:27

6 A Anything but retail. 12:12:30

7 Q Okay. Was PharmaCorr an affiliate of 12:12:32

8 Corizon Healthcare? 12:12:55

9 MS. HAYWARD: Objection, form. You have a 12:12:58

10 time period? 12:13:02

11 MR. HEMENWAY: If he needs to clarify the 12:13:05

12 time period, he can. 12:13:07

13 Q Was PharmaCorr an affiliate of Corizon 12:13:07

14 Healthcare. I promise you -- 12:13:11

15 A It was at some point. What? 12:13:12

16 Q It was at some point. 12:13:18

17 Do you know when? 12:13:20

18 A No. I was not involved. 12:13:23

19 Q When did your involvement with PharmaCorr 12:13:25

20 begin? 12:13:28

21 A December of '21. 12:13:28

22 Q Did you say September or December? 12:13:32

23 A December of '21. 12:13:34

24 Q And how did it begin? 12:13:37

25 A What do you mean how? 12:13:39

1	Q How did you get involved with PharmaCorr?	12:13:44
2	A PharmaCorr changed hands and I was hired	12:13:48
3	as a director of the operation.	12:13:55
4	Q Who hired you?	12:13:59
5	A Abe Goldberger.	12:14:01
6	Q Abe Goldberger?	12:14:07
7	A Yes.	12:14:09
8	Q Was he at PharmaCorr -- I'm hearing --	12:14:09
9	A You were breaking up.	12:14:21
10	Q Was Abe Goldberger somebody who is	12:14:22
11	still -- what was Abe Goldberger's role at	12:14:26
12	PharmaCorr?	12:14:32
13	A I don't know what title he had, but he	12:14:33
14	asked me to be the director of the company.	12:14:37
15	Q And he had a title at the company, but you	12:14:42
16	don't know what?	12:14:46
17	A I don't know what title he had at the time	12:14:47
18	he asked me to be a director of the company.	12:14:50
19	Q What title did he have after that time?	12:14:54
20	A He had a passive role.	12:14:57
21	Q Did he ever have a title at PharmaCorr?	12:15:02
22	A Not that I am aware of.	12:15:08
23	Q And did he ask you on behalf of PharmaCorr	12:15:09
24	or on behalf of whomever it changed hands to?	12:15:14
25	A He had a --	12:15:18

1	MS. HAYWARD: Objection, form.	12:15:20
2	Q And you said this happened in	12:15:23
3	December 2021?	12:15:25
4	A Correct.	12:15:28
5	Q Did PharmaCorr change hands at the time	12:15:28
6	that Corizon changed hands?	12:15:32
7	A I don't know what that same time means.	12:15:36
8	Same year? Same month? Same day? Same minute?	12:15:41
9	What does the same time mean?	12:15:44
10	Q Same day, let's start with.	12:15:46
11	A I don't think so.	12:15:48
12	Q Okay. And was PharmaCorr an affiliate of	12:15:50
13	Corizon at the time it changed hands?	12:16:03
14	MS. HAYWARD: Objection, form.	12:16:05
15	Q Do you need me to repeat the question,	12:16:11
16	Mr. Lefkowitz?	12:16:12
17	A I don't believe so.	12:16:14
18	Q And what is that belief based on?	12:16:15
19	A I believe PharmaCorr changed hands prior	12:16:19
20	to Corizon's change of hands.	12:16:24
21	Q How -- how long prior?	12:16:27
22	A I don't know. It was prior because when	12:16:31
23	we took over PharmaCorr, we had no -- we had no	12:16:34
24	knowledge of Corizon other than being a customer	12:16:42
25	of PharmaCorr.	12:16:45

1	Q Who is the we in that sentence,	12:16:47
2	Mr. Lefkowitz?	12:16:51
3	A Myself and the PharmaCorr team.	12:16:51
4	Q Who is the PharmaCorr team?	12:16:53
5	A Back then?	12:16:55
6	Q Yeah.	12:16:57
7	A A fellow by the name of Charles	12:16:58
8	Gassenheimer. There was a fellow by the name	12:17:04
9	Fowler. A couple -- few guys who are no longer	12:17:09
10	with the company.	12:17:14
11	Q And so when you said we took over, you	12:17:16
12	meant yourself, Mr. Fowler, and Mr. Gassenheimer?	12:17:19
13	A Correct.	12:17:23
14	Q Weren't Mr. Fowler and Mr. Gassenheimer	12:17:23
15	already at PharmaCorr before December 2021?	12:17:30
16	A Gassenheimer was, but Fowler was not. Not	12:17:34
17	too sure when they started with the company.	12:17:38
18	Q Okay. When did Mr. Fowler come in?	12:17:40
19	A I don't recall.	12:17:45
20	Q But you know that he wasn't with the	12:17:47
21	company prior to December 20th, 2021?	12:17:50
22	A That I can't recall. And don't try to	12:17:54
23	trap me with a date.	12:17:56
24	Q I'm not trying to trap you. I'm trying to	12:17:57
25	clarify your testimony.	12:17:59

1 I said, they were there prior to 12:18:00
2 December '21 and that you said Mr. Gassenheimer 12:18:03
3 was but you don't believe Mr. Fowler -- 12:18:05
4 A Yeah. But the word prior could be a 12:18:07
5 minute, could mean a day, could mean an hour. I 12:18:10
6 think Gassenheimer was there before. Fowler -- 12:18:14
7 then came Fowler; then came myself. And we 12:18:15
8 regrouped as a team. I remained, and they're 12:18:17
9 gone. 12:18:20
10 Q Okay. So Mr. Fowler came to PharmaCorr 12:18:20
11 before you did, and you came in December 2021. 12:18:24
12 A Correct. 12:18:31
13 Q Okay. And did you bring -- did you engage 12:18:31
14 any additional employees at PharmaCorr as a 12:18:38
15 director? 12:18:43
16 A No. 12:18:44
17 Q Who did you -- 12:18:45
18 A Who did I what? 12:18:49
19 Q Who did you engage? 12:18:50
20 A Why is that relevant? 12:18:54
21 Q I'm asking about the leadership of 12:18:55
22 PharmaCorr. 12:19:00
23 A I'm the director of PharmaCorr. I'm the 12:19:03
24 leader of PharmaCorr. 12:19:06
25 Q Okay. And you have -- 12:19:08

1	A	PharmaCorr has --	12:19:08
2	Q	Go ahead. I'm sorry, I didn't mean to cut	12:19:10
3		you off.	12:19:12
4	A	No. It's okay. You cut me off.	12:19:12
5		So why don't you ask your question.	12:19:14
6	Q	You said you were the director at	12:19:17
7		PharmaCorr and you run PharmaCorr. And I was just	12:19:19
8		going to ask a clarifying question about the time	12:19:21
9		period.	12:19:24
10		You said you started in December 2021.	12:19:24
11		When you say you're the director, is that from	12:19:27
12		December 2021 forward?	12:19:30
13	A	Correct.	12:19:32
14	Q	And you run PharmaCorr from December 2021	12:19:33
15		forward?	12:19:36
16	A	Correct.	12:19:37
17	Q	Okay. Does anybody else make financial	12:19:37
18		decisions on behalf of PharmaCorr?	12:19:43
19	A	I don't know what financial decisions	12:19:47
20		mean.	12:19:49
21	Q	Does anyone other than you decide whether	12:19:52
22		PharmaCorr should enter into a contract?	12:19:57
23	A	Depending on the size of the contract. If	12:20:00
24		it's a contract about a cell phone for 9.99 a	12:20:04
25		month, no, I'm not involved.	12:20:07

1	Q All right. Let's take the contracts for	12:20:08
2	over a thousand dollars.	12:20:11
3	Does anybody other than you make that	12:20:14
4	decision?	12:20:15
5	A Depends on -- I don't know about a	12:20:15
6	thousand dollars, but anything significant come	12:20:18
7	through me.	12:20:20
8	Q Okay. Say 5,000 or more? 10,000 or more?	12:20:21
9	A Anything significant.	12:20:25
10	Q Okay. When things are insignificant, who	12:20:27
11	do they go through at PharmaCorr?	12:20:32
12	A They have their internal operation.	12:20:34
13	Q And you're in charge of those internal	12:20:39
14	operations as the director of PharmaCorr?	12:20:42
15	A Correct.	12:20:45
16	Q They report to you?	12:20:45
17	A Yes.	12:20:47
18	Q Okay. Do you report to anybody as	12:20:48
19	director of PharmaCorr?	12:20:54
20	A No.	12:20:56
21	Q Buck stops with you?	12:20:56
22	A Very simple, smooth operation company.	12:21:03
23	Nothing -- no reporting.	12:21:07
24	Q Gotcha. What was PharmaCorr's financial	12:21:09
25	situation when you came in, in December 2021?	12:21:21

1 A It was distressed and duressed. 12:21:24

2 Q Was the company considering filing for 12:21:29

3 bankruptcy protection? 12:21:32

4 A I don't even know if they were a candidacy 12:21:33

5 for bankruptcy. It was basically a company with 12:21:37

6 no business. 12:21:40

7 Q So they had no business. 12:21:41

8 Did they have any assets? 12:21:44

9 A Had very little assets. Very little 12:21:45

10 liability. They just lost their business. 12:21:49

11 Q Okay. Did they have any debt obligations 12:21:51

12 at that point? 12:21:55

13 A No. 12:21:56

14 Q Okay. And you said they lost their 12:21:57

15 business. What -- what was their business prior 12:22:08

16 to December 2021? 12:22:10

17 A Closed-end pharmacy. 12:22:13

18 Q And do you know who any of their customers 12:22:17

19 were? 12:22:20

20 A Even if I would, what difference does it 12:22:23

21 make? 12:22:26

22 Q Just trying to understand what you mean 12:22:26

23 when you said they lost their business. 12:22:28

24 Were they -- 12:22:30

25 A They lost their revenue. 12:22:31

1 Q So they weren't performing services for 12:22:34
2 Corizon at that point? 12:22:38
3 A Very little. 12:22:40
4 Q What does very little mean? 100,000 a 12:22:42
5 month? 500,000? 10,000? 12:22:45
6 A Insignificant. 12:22:52
7 Q Well, insignificant means different things 12:22:54
8 to different people, Mr. Lefkowitz. 12:22:57
9 A That's right. So the company that I said 12:22:58
10 was under stress, under duress, was insignificant, 12:23:02
11 lost most of their revenue. And it was -- you 12:23:04
12 know, we took over a potential company where a 12:23:08
13 company, if you would, put energy to it, you can 12:23:12
14 gave new business and that's exactly what we did. 12:23:16
15 What we stepped in, it was a worthless company 12:23:20
16 that lost all its previous revenue. 12:23:24
17 Q Okay. And the "we stepped in", again, is 12:23:27
18 you, Mr. Fowler, Mr. Gassenheimer? 12:23:30
19 A Correct. 12:23:33
20 Q Okay. So how did you -- you said you put 12:23:33
21 energy into it to -- to turn -- make the company 12:23:41
22 make revenue; is that right? 12:23:44
23 A Correct. 12:23:46
24 Q What did you change? 12:23:46
25 A Strategy. 12:23:50

1	Q How so?	12:23:52
2	A How I changed my strategy in the company?	12:23:53
3	Q Yeah. You said that the company was not	12:23:59
4	being -- didn't have any business, and that you	12:24:03
5	changed the strategy and it got more business.	12:24:06
6	What changed in the strategy?	12:24:10
7	A It was my business skill.	12:24:11
8	Q Did -- did you bring in new customers that	12:24:17
9	weren't customers before?	12:24:22
10	A Yes.	12:24:24
11	Q And who were some of those customers?	12:24:25
12	MS. HAYWARD: Objection. Zach, at this	12:24:30
13	point, I've given you some rope here, but, again,	12:24:32
14	I don't see where this falls within the topics for	12:24:34
15	today's examination. The focus here should be	12:24:37
16	PharmaCorr's relationship with the debtor and the	12:24:39
17	merger parties.	12:24:41
18	MR. HEMENWAY: So Mr. -- Melissa, I guess	12:24:49
19	I'll direct this to Mr. Lefkowitz.	12:24:53
20	Q Were any of the customers that you	12:24:54
21	performed services for after December 2021	12:24:59
22	affiliated with the merger parties or YesCare?	12:25:03
23	A No.	12:25:07
24	Q PharmaCorr didn't perform services for	12:25:08
25	Corizon or any of its affiliates after	12:25:11

1	December 2021?	12:25:16
2	A That's not what you asked.	12:25:17
3	Q It is what I asked.	12:25:19
4	A You asked --	12:25:20
5	Q I asked the question --	12:25:21
6	A That's not what you -- that's not what you	12:25:22
7	asked. You can read back the question.	12:25:26
8	You asked whether the new strategy of new	12:25:27
9	business --	12:25:30
10	Q That's not what I asked. Let's --	12:25:30
11	MR. HEMENWAY: Move to strike as	12:25:32
12	nonresponsive.	12:25:33
13	Q Mr. Lefkowitz --	12:25:34
14	A You know before -- before you ask, let me	12:25:34
15	give you the answer.	12:25:36
16	Q You're just going to --	12:25:38
17	A No. We can go -- I'll answer -- I'll	12:25:39
18	answer.	12:25:42
19	Before December 21st, I have no idea what	12:25:43
20	PharmaCorr did. When we stepped into PharmaCorr,	12:25:47
21	PharmaCorr was with their lights out. When I came	12:25:50
22	into PharmaCorr in December '21, we changed the	12:25:54
23	strategy. We did new business with Corizon, the	12:25:57
24	debtor. We did do business later on with YesCare.	12:26:02
25	But we picked up a lot of other clients and other	12:26:04

1 customers that PharmaCorr is doing business with 12:26:07
2 that had nothing to do with YesCare and has 12:26:09
3 nothing to do with Corizon. Is this clear? 12:26:13
4 Q That is much clearer than the last answer 12:26:14
5 and I appreciate it. 12:26:17
6 A Thank you. 12:26:18
7 Q So down -- you said that you came in 12:26:18
8 December 2021, and from that point forward you 12:26:34
9 were in charge. 12:26:36
10 Who was in charge before you? Who did you 12:26:38
11 take over for? 12:26:42
12 A Disoriented company. 12:26:43
13 Q Do you know who was running it? 12:26:45
14 A No. 12:26:47
15 Q Okay. And when you were running the 12:26:48
16 company, in addition to -- 12:26:58
17 A Still run it. 12:26:59
18 Q Beg your pardon? 12:26:59
19 A Still run it. 12:27:01
20 Q So during your time running the company, 12:27:05
21 you've performed services for Corizon you said. 12:27:10
22 Did anybody from Corizon perform services 12:27:14
23 for PharmaCorr? 12:27:18
24 A No. 12:27:20
25 Q Were there any shared -- 12:27:20

1 A By product shipped. 12:28:46

2 Q And were they paid monthly to PharmaCorr? 12:28:48

3 A Few times a month. 12:28:52

4 Q Did Corizon ever prepay PharmaCorr 12:28:54

5 invoices? 12:28:59

6 A Yes. 12:29:00

7 Q Why was that? 12:29:00

8 A Just the pharmacy industry is a very 12:29:02

9 short-term industry. PharmaCorr had very short 12:29:10

10 terms with its suppliers. And when there was a 12:29:15

11 large purchase, we asked Corizon to prepay the 12:29:17

12 invoice so we can ship the product. 12:29:23

13 Q And who did PharmaCorr ask to do that? 12:29:25

14 A Corizon's financial team. 12:29:30

15 Q Who is that? 12:29:34

16 A At what point? 12:29:38

17 Q Prior to the divisional merger. 12:29:40

18 A Jeff Sholey was the CFO of Corizon and he 12:29:45

19 had a whole team underneath him. 12:29:51

20 Q So PharmaCorr asked Jeff Sholey to 12:29:53

21 prepay -- 12:29:57

22 A I didn't say Jeff Sholey. I said they 12:29:57

23 asked the team to prepay. You're asking me who is 12:29:59

24 the team and I told you it's Jeff Sholey. 12:30:02

25 Q Okay. Do you know who PharmaCorr asked to 12:30:05

1 prepay its invoice? 12:30:09

2 A Do you have a specific prepayment you're 12:30:10

3 referring to? 12:30:14

4 Q Is it different people based on which time 12:30:15

5 you asked them to prepay? 12:30:17

6 A I don't know. How would I know by heart? 12:30:19

7 If you have something specific, I can answer to 12:30:24

8 it. 12:30:27

9 Q How many times -- how many times did 12:30:27

10 PharmaCorr ask Corizon to prepay its invoice? 12:30:29

11 A I don't have that information in front of 12:30:33

12 me. 12:30:36

13 Q Okay. Do you know the names of anybody 12:30:36

14 PharmaCorr asked to prepay at Corizon? 12:30:41

15 A Again, PharmaCorr provided product to 12:30:47

16 Corizon or to Corizon's clients. There was a 12:30:52

17 small invoice, you can wait for the terms. If it 12:30:55

18 was a very large invoice that PharmaCorr didn't 12:30:59

19 have the financial means to fund it, they asked 12:31:01

20 Corizon. Was it on every occasion? No. Was it 12:31:05

21 on some occasions? Yes. Who exactly asked whom, 12:31:12

22 you have to show me a transaction so I can refer 12:31:17

23 to it. 12:31:19

24 Q And that's because you didn't know or 12:31:19

25 didn't remember or -- 12:31:23

1 A No. I do know. I told you I know of such 12:31:26
2 an existence -- 12:31:29
3 Q No -- 12:31:32
4 A -- I just don't know the specifics. So 12:31:32
5 obviously, you're zeroing in on the specifics and 12:31:35
6 you're asking me to remember specifics. I don't 12:31:37
7 remember specifics. 12:31:40
8 Q You just know them? 12:31:40
9 A Correct. 12:31:42
10 Q Okay. So when Corizon paid PharmaCorr for 12:31:42
11 medicines, who -- who owned those products? 12:31:55
12 A Say that again. 12:32:01
13 Q If Corizon made payment to PharmaCorr and 12:32:02
14 PharmaCorr sent the -- sent the inventory, did 12:32:07
15 Corizon then own the inventory? 12:32:10
16 MS. HAYWARD: Objection, form. 12:32:13
17 A I don't even understand your question. 12:32:15
18 Q I'm just asking how the contract worked. 12:32:20
19 Maybe let's start with, you know, step by step. 12:32:22
20 So PharmaCorr has a contract where it's 12:32:24
21 providing products to Corizon. It sends Corizon 12:32:27
22 an invoice, receives payment from Corizon, and 12:32:34
23 then sends the products; is that right? 12:32:38
24 A I don't know if it sends the product or 12:32:42
25 sometimes the invoice gets prepaid before the 12:32:46

1 product is -- is sent. So you're asking who owns 12:32:48

2 the inventory at what point? 12:32:52

3 Q I'll ask -- 12:32:54

4 A What -- 12:32:55

5 Q Yeah. 12:32:55

6 A All right. So let's go through a supplier 12:32:58

7 arrangement. There is a drug manufacturer who 12:33:01

8 manufacturers the drug, sells the drug to a 12:33:03

9 wholesaler company. The wholesaler company sells 12:33:05

10 it to PharmaCorr. PharmaCorr sells it to Corizon, 12:33:09

11 and Corizon does not take possession of it but 12:33:13

12 rather asks PharmaCorr to ship it to the facility. 12:33:17

13 Once it's in the facility, the facility owns the 12:33:24

14 product. And once the facility has the product, 12:33:27

15 the facility dispenses to each individual patient, 12:33:31

16 so the patient is in possession of it. 12:33:32

17 Q Great. 12:33:33

18 A You're asking -- you're asking the custody 12:33:33

19 of the chain of drug. I just gave it to you. 12:33:37

20 Q Perfect. That answered my question. 12:33:39

21 Thank you. 12:33:41

22 So when we talked about PharmaCorr as of 12:33:42

23 December 2021, I asked you if they had any debt 12:33:52

24 obligations. 12:33:57

25 And I believe you said no; is that 12:33:59

1	correct?	12:34:03
2	A Other than to its suppliers.	12:34:03
3	Q Okay. Let's pull up the -- are you	12:34:06
4	familiar with the credit agreement from	12:34:25
5	August 2020?	12:34:27
6	A No.	12:34:28
7	Q And you're just saying PharmaCorr isn't	12:34:28
8	familiar with it. I am sure you're familiar with	12:34:33
9	it, correct? I mean you don't have to answer	12:34:35
10	that.	12:34:37
11	But PharmaCorr is not familiar with it,	12:34:37
12	correct?	12:34:41
13	A You said I don't have to answer, so I'll	12:34:41
14	pick -- I'll take that option.	12:34:44
15	Q Fair enough. What's the Bates number?	12:34:46
16	MR. HEMENWAY: Malcolm, we're going to	12:34:54
17	pull up YC-037687.	12:34:56
18	(Exhibit 2 marked for identification.)	12:35:04
19	Q So Mr. Lefkowitz, you're not familiar with	12:35:05
20	this agreement?	12:35:09
21	A I couldn't view it, even if I wished. Now	12:35:10
22	I can see it. Go ahead.	12:35:14
23	Q Are you familiar with this agreement?	12:35:15
24	A Not with under my PharmaCorr deposition,	12:35:20
25	no.	12:35:24

1 Q Not with your PharmaCorr hat on? 12:35:24

2 A Not a hat. I'm not wearing a hat. But on 12:35:27
3 behalf of PharmaCorr, this document does not exist 12:35:31
4 in any of PharmaCorr's custodian of books and 12:35:35
5 records. 12:35:38

6 Q And so your testimony is that PharmaCorr 12:35:39
7 was not an obligor on this agreement? 12:35:43

8 A I have no idea. This is a 113-page 12:35:46
9 agreement. 12:35:49

10 Would you tell me who signed this 12:35:50
11 agreement? 12:35:53

12 Q Well, I mean, you're not familiar with it 12:35:53
13 with your PharmaCorr hat on, so we can just -- we 12:35:56
14 can take it off. 12:36:00

15 So -- your testimony is -- 12:36:00

16 MS. HAYWARD: Objection to form. 12:36:05

17 Q Your testimony is that PharmaCorr was not 12:36:07
18 an obligor under a 2020 agreement? 12:36:09

19 A I didn't say not. I said I'm not aware of 12:36:12
20 any 2020 agreement. 12:36:15

21 Q Gotcha. 12:36:17

22 A Pull me up a 2020 agreement and show me 12:36:18
23 where PharmaCorr is part of it and I will answer 12:36:22
24 that question. 12:36:24

25 Q And to your knowledge, was PharmaCorr 12:36:25

1 collateral for any of the obligations under that 12:36:30
2 agreement? 12:36:32
3 A Just said, why don't you bring me back 12:36:34
4 that exhibit and let me see what that agreement is 12:36:37
5 all about. 12:36:40
6 Q I'm asking about PharmaCorr's knowledge. 12:36:41
7 We're not asking what you can look at and decide 12:36:43
8 to answer while we're sitting here. 12:36:46
9 Is PharmaCorr collateral under that 12:36:48
10 agreement? 12:36:51
11 A To which agreement? 12:36:51
12 Q Under any agreement. 12:36:53
13 MS. HAYWARD: Objection, form. 12:36:58
14 A Yes, PharmaCorr -- 12:36:59
15 Q Go ahead. 12:37:00
16 A PharmaCorr does have UCC obligations. 12:37:01
17 Q Can you clarify -- can you explain that, 12:37:09
18 has what obligation? 12:37:11
19 A UCC. 12:37:13
20 Q And what does that mean to you, 12:37:16
21 Mr. Lefkowitz? 12:37:19
22 A UCC is Uniform Commercial Code. 12:37:19
23 Q What Uniform Commercial Code obligations 12:37:25
24 does PharmaCorr have? 12:37:27
25 A Inventory and its assets. 12:37:35

1 Q And was PharmaCorr's inventory and assets 12:37:38
2 collateral for any debt when you took over the 12:37:43
3 company in December 2021? 12:37:45
4 A I think that question was asked and 12:37:50
5 answered. 12:37:53
6 Q It wasn't. 12:37:53
7 A Yes, it was. 12:37:54
8 Q What was the answer? 12:37:57
9 A Read back the record. 12:38:01
10 Q We're not going to waste our time on that. 12:38:02
11 A You may have other things on my mind, but 12:38:05
12 I have my PharmaCorr things on my mind. And I 12:38:08
13 know that's accurate. You asked me the question 12:38:11
14 before whether December '21 PharmaCorr had any 12:38:13
15 debt. 12:38:18
16 By the way, you asked this twice. You got 12:38:19
17 twice the same answer. Now, this is asked 12:38:23
18 question number three. Is there a reason why 12:38:26
19 you're asking the same question three times? 12:38:28
20 Q So I asked before if they had any debt 12:38:31
21 obligations. And now I'm asking if they were 12:38:33
22 collateral, if the company was collateral, or its 12:38:36
23 inventory. 12:38:38
24 If you -- if you are viewing collateral as 12:38:38
25 being a debt obligation, then I understand -- 12:38:42

1	since that date, has PharmaCorr taken on any debt	12:40:00
2	obligations?	12:40:04
3	MS. HAYWARD: Objection, form. How is	12:40:04
4	that within the scope of the topics?	12:40:07
5	MR. HEMENWAY: We're going to talk about	12:40:09
6	transfers made on behalf of PharmaCorr.	12:40:11
7	MS. HAYWARD: Well, then let's talk about	12:40:13
8	transfers. Let's not talk about PharmaCorr	12:40:16
9	general business.	12:40:18
10	MR. HEMENWAY: 20 -- sorry, Melissa, I	12:40:20
11	didn't mean to talk over you.	12:40:22
12	MS. HAYWARD: That's all right. But I	12:40:23
13	mean, I need you -- you're going to need to focus	12:40:24
14	your questions in on payments, transactions, or	12:40:27
15	transfers of funds made to PharmaCorr or on its	12:40:30
16	behalf by the merger parties or the debtor.	12:40:33
17	MR. HEMENWAY: We know that those were	12:40:36
18	made to PharmaCorr's lender, so I'm asking about	12:40:38
19	PharmaCorr's lender.	12:40:42
20	MS. HAYWARD: So let's target the question	12:40:43
21	so that it falls within the topics, please.	12:40:45
22	BY MR. HEMENWAY:	12:40:47
23	Q Since December 2021, PharmaCorr has	12:40:47
24	borrowed money, correct?	12:40:52
25	MS. HAYWARD: Again, objection, form.	12:40:55

1	That's whether --	12:40:57
2	BY MR. HEMENWAY:	12:40:59
3	Q Do you know the answer, Mr. Lefkowitz?	12:40:59
4	MS. HAYWARD: Hold on. I'm objecting to	12:41:00
5	the question and the broadness of the question.	12:41:02
6	You need to target it such that it has some	12:41:05
7	relation to transfers made to PharmaCorr by the	12:41:10
8	merger parties or the debtor.	12:41:13
9	MR. HEMENWAY: Yeah. I think it relates	12:41:24
10	to the merger -- or to the management structure	12:41:25
11	and the ownership of PharmaCorr, which I know you	12:41:28
12	objected to, but I'm asking the question.	12:41:31
13	Q Do you know the answer, Mr. Lefkowitz?	12:41:34
14	A I don't understand your question.	12:41:35
15	PharmaCorr is an independent company that did	12:41:38
16	business with the debtor prior to the merger, or	12:41:41
17	it did business with YesCare after the merger by	12:41:44
18	selling them goods and getting paid for it.	12:41:48
19	Q I understand --	12:41:50
20	A Anything outside these two companies that	12:41:51
21	you have any interest in that's not the topic of	12:41:54
22	the scope?	12:41:58
23	Q Did PharmaCorr borrow money from	12:42:00
24	AmerisourceBergen?	12:42:03
25	MS. HAYWARD: Again --	12:42:05

1	A No --	12:42:05
2	Q Okay. Does PharmaCorr have a relationship	12:42:08
3	with AmerisourceBergen?	12:42:11
4	A The customer is AmerisourceBergen.	12:42:13
5	Q Okay. All right.	12:42:17
6	MR. HEMENWAY: Let's -- I guess we're at	12:42:33
7	12:45. Yeah. Let's break for lunch. Why don't	12:42:34
8	we do 20 minutes. Does that work for everybody?	12:42:41
9	MS. HAYWARD: That's fine. Isaac, is that	12:42:45
10	okay with you?	12:42:47
11	THE WITNESS: Aaron, did you order your	12:42:48
12	sandwich?	12:42:50
13	THE VIDEOGRAPHER: The time is 12:42 p.m.	12:42:55
14	We're off the record.	12:42:57
15	(Whereupon a break was had.)	12:42:58
16	THE VIDEOGRAPHER: The time is 1:06 p.m.	13:06:40
17	We're back on the record.	13:06:43
18	MR. HEMENWAY: Okay. So let's pull up --	13:06:46
19	this will be Exhibit 1, right, Malcolm?	13:06:52
20	REMOTE TECHNICIAN: I think it's Exhibit 3	13:06:55
21	actually because we had the website and then the	13:06:57
22	agreement.	13:06:59
23	MR. HEMENWAY: Get the right Bates number.	13:07:14
24	Let's do the document that ends in 4292.	13:07:16
25	REMOTE TECHNICIAN: Stand by.	13:07:21

1	Sorry, counsel. I'm looking and maybe I'm	13:07:36
2	just missing it, but I'm not seeing that document	13:07:38
3	at the moment.	13:07:43
4	MR. HEMENWAY: Clarifying that right now.	13:07:44
5	I apologize.	13:07:48
6	REMOTE TECHNICIAN: No worries. I see it	13:07:48
7	now. I will mark it in just one minute.	13:07:54
8	MR. HEMENWAY: Thank you.	13:07:56
9	(Exhibit 3 marked for identification.)	13:07:59
10	MS. HAYWARD: Isaac, is there a problem?	13:07:59
11	MR. HEMENWAY: Mr. Lefkowitz, are you	13:08:26
12	ready to move forward?	13:08:28
13	MS. HAYWARD: Isaac, I'm not sure if we	13:08:36
14	have your audio.	13:08:40
15	MR. HEMENWAY: Why don't we go off the	13:09:02
16	record while we're waiting.	13:09:04
17	MS. HAYWARD: Isaac, can you hear us?	13:09:05
18	REMOTE TECHNICIAN: And Lawrence, if	13:09:15
19	you're reading us off the record, we can't hear	13:09:17
20	you.	13:09:19
21	THE WITNESS: Can you hear me now?	13:09:21
22	MS. HAYWARD: Yes. We can hear.	13:09:23
23	MR. HEMENWAY: Okay. We -- I -- I think	13:09:24
24	we're -- my request to go off the record was	13:09:26
25	probably recorded. We didn't go off the record,	13:09:29

1	so we are still on the record, just for	13:09:31
2	the -- okay.	13:09:34
3	BY MR. HEMENWAY:	13:09:34
4	Q So we're pulling up this --	13:09:35
5	A But I -- but I for sure was off the	13:09:38
6	record.	13:09:42
7	Q Yeah. We couldn't hear you. Correct.	13:09:43
8	A Okay.	13:09:47
9	Q All right. So are you familiar with	13:09:49
10	Exhibit 3?	13:09:55
11	MS. HAYWARD: Would you scroll down,	13:09:58
12	please, so I can see it?	13:10:00
13	MR. HEMENWAY: Sure.	13:10:02
14	MS. HAYWARD: Okay.	13:10:15
15	MR. HEMENWAY: Okay.	13:10:16
16	Q Are you familiar with Exhibit 3,	13:10:19
17	Mr. Lefkowitz?	13:10:21
18	A Yes.	13:10:21
19	Q Is this financial documents you reviewed	13:10:22
20	in preparation for your deposition today?	13:10:28
21	A No.	13:10:32
22	Q Okay. Do you see that Exhibit 3	13:10:36
23	references promissory notes with Valitas and a	13:10:38
24	number of other entities including PharmaCorr,	13:10:44
25	LLC?	13:10:47

13:10:49

13:10:49

13:10:54

13:10:56

13:11:02

13:11:02

13:11:05

13:11:07

13:11:08

13:11:10

13:11:15

13:11:20

13:11:20

13:11:22

13:11:23

13:11:28

13:11:30

13:11:36

13:11:36

13:11:53

13:11:56

13:11:56

13:11:59

13:12:02

13:12:06

1	in this pay-off letter a bunch of entities. Not	13:12:09
2	all the entities were actually owed money through	13:12:15
3	this lender on that day. They were listed as "me	13:12:19
4	too," but I'm not aware of any obligation	13:12:27
5	April 29, '22 from PharmaCorr or Endeavor to M2.	13:12:31
6	Q So PharmaCorr doesn't know why M2 listed	13:12:41
7	them on this letter?	13:12:45
8	A I didn't say that. I said it didn't	13:12:49
9	matter.	13:12:52
10	Q Why didn't it matter?	13:12:52
11	A Because they owed no money.	13:12:54
12	Q And what was your basis for --	13:12:58
13	A Would you mind if your name is on this	13:13:00
14	pay-off letter? You're not a signatory to the	13:13:03
15	account -- to the letter, so list whatever you	13:13:09
16	wish to list. Historically, they could have been;	13:13:12
17	so therefore, M2 lender has included	13:13:15
18	PharmaCorr -- could you go back again to the	13:13:22
19	fourth page?	13:13:24
20	No, page 3. Right. So there is no	13:13:36
21	signator from PharmaCorr here.	13:13:38
22	Q No. Just from you as M2 lender --	13:13:39
23	M2Loanco's director?	13:13:43
24	A Exactly.	13:13:43
25	Q So you said that your understanding as of	13:13:44

1 April 29th, 2022, is that PharmaCorr didn't owe 13:13:49
2 anything on these notes? 13:13:53
3 A They had no loan on the books. 13:13:54
4 Q What was your basis for that 13:13:56
5 understanding, your review of the books? 13:14:00
6 A Correct. 13:14:02
7 Q Okay. And did you have any understanding 13:14:03
8 as to how they -- 13:14:06
9 A One sec. Give me one -- just one second, 13:14:07
10 please. Hold one sec, please. 13:14:12
11 Go ahead. What did you say? 13:14:13
12 Q Did you have any understanding as to how 13:14:23
13 they originally owed funds and then came to not 13:14:24
14 owe funds? 13:14:29
15 A Yes. I can only believe a historically in 13:14:32
16 2020, PharmaCorr did owe money, or did obligate 13:14:39
17 itself to M2. It then came '21. In '21, 13:14:43
18 PharmaCorr got spun off. Then came April '22. 13:14:53
19 There was a payment made on behalf of a pay-off 13:14:59
20 letter. Lender lifted PharmaCorr because 13:15:03
21 historically they owed money. 13:15:11
22 Q And -- okay. Let's pull up 4354. 13:15:13
23 REMOTE TECHNICIAN: Stand by. 13:15:23
24 (Exhibit 4 marked for identification.) 13:15:25
25 Q And Mr. Lefkowitz, this is another one of 13:15:43

1	those long documents. I'm only going to ask you	13:15:45
2	about the paragraph at the bottom of the first	13:15:49
3	page, but you're welcome to read other pages if	13:15:49
4	you need to.	13:15:52
5	A Let's go to the signature page first.	13:15:58
6	More signatures too.	13:16:11
7	Q I'm scrolling down. I just wanted to give	13:16:12
8	you time to see those.	13:16:16
9	A Okay. So is PharmaCorr a signor on this	13:16:18
10	agreement?	13:16:21
11	Q It is not.	13:16:22
12	A Okay. So there's your answer.	13:16:23
13	Q I haven't asked a question.	13:16:27
14	A Whatever question you're going to ask	13:16:29
15	about PharmaCorr and this document, PharmaCorr is	13:16:31
16	not a signor to this agreement. You don't	13:16:34
17	expect -- you don't expect me to read 136 pages	13:16:43
18	and give you a clarification.	13:16:45
19	Q I'm just going to go ahead and ask my	13:16:48
20	question.	13:16:49
21	The fifth paragraph where I have	13:16:49
22	highlighted here, see this paragraph? It says,	13:16:53
23	Each of existing holdings PharmaCorr, LLC, and	13:16:59
24	then it lists some other companies, shall be	13:17:02
25	released of its obligations under the credit	13:17:04

1 agreement and the other loan documents as 13:17:07

2 guarantors and in any other capacity. 13:17:10

3 A Sure. Because they were -- historically, 13:17:13

4 they were guarantors; they're not obligors. 13:17:15

5 Q So your understanding is that they had 13:17:18

6 guarantee obligations at this point? 13:17:20

7 A They had guarantee obligations that was 13:17:23

8 inherited historically, but not obligation as 13:17:31

9 debt. In other words, when the payoff was paid 13:17:36

10 off, they released all the guarantors, including a 13:17:38

11 company here, PHS Community Care, LLC. 13:17:43

12 Q Uh-huh. And so PharmaCorr was released 13:17:46

13 from its guarantee obligations as a result of a 13:17:55

14 payoff? 13:17:59

15 A I don't know it was a result of what, but 13:18:01

16 they got released in this release. 13:18:03

17 Q Okay. 13:18:05

18 A The payoff could be only -- or the 13:18:07

19 exchange could be for \$10. 13:18:10

20 Q Okay. 13:18:13

21 MR. HEMENWAY: All right. Let's go to 13:18:25

22 4490. 13:18:27

23 (Exhibit 5 marked for identification.) 13:18:30

24 Q And I'm happy to scroll down on this one 13:18:40

25 if you'd like, Mr. Lefkowitz, but I'll represent 13:18:43

1 to you the only signature on this one is Portland 13:18:45
2 Capital Market Services as administrative agent. 13:18:49
3 A Okay. 13:18:52
4 Q And my question is about the release 13:18:52
5 language on the first page in the paragraph 13:18:59
6 starting, The administrative agent agrees. 13:19:02
7 A Right. 13:19:07
8 Q And can you tell me what obligations are 13:19:07
9 being released of PharmaCorr here? 13:19:12
10 A I guess the title, guaranty agreement. 13:19:16
11 Q So PharmaCorr's guaranty obligation. 13:19:20
12 And what did PharmaCorr do in exchange for 13:19:23
13 a release of that? 13:19:26
14 A Must have gotten a dollar or \$10.00. 13:19:27
15 Q PharmaCorr gave a dollar or \$10.00? To 13:19:30
16 whom? 13:19:37
17 A Who they gave \$10.00 to? 13:19:37
18 Q Yeah. The lender? 13:19:41
19 A I would assume so. 13:19:44
20 Q Okay. 13:19:45
21 MR. HEMENWAY: All right. We can take 13:19:51
22 that exhibit down. 13:19:53
23 Q And I believe you said that earlier after 13:20:04
24 the divisional merger PharmaCorr dealt with 13:20:06
25 YesCare? 13:20:11

1	A Yes.	13:20:14
2	Q And what -- what was the -- what did	13:20:14
3	PharmaCorr do for YesCare?	13:20:20
4	MS. HAYWARD: Objection. Where is that	13:20:23
5	within the scope of the topics?	13:20:23
6	MR. HEMENWAY: I was asking a follow-up	13:20:26
7	question on one of his answers earlier.	13:20:28
8	MS. HAYWARD: Okay. It's not -- if it's	13:20:30
9	not within the scope of the topics, then we're not	13:20:33
10	going to be testifying regarding it.	13:20:34
11	MR. HEMENWAY: It's about transactions	13:20:36
12	with any of the entities since December 2021 or	13:20:38
13	November 2021. So I'm --	13:20:43
14	MS. HAYWARD: With the merger parties.	13:20:44
15	Q Well, does PharmaCorr have a relationship	13:21:00
16	with YesCare, Mr. Lefkowitz?	13:21:02
17	MS. HAYWARD: Again, please point me to	13:21:05
18	where that's within these topics?	13:21:05
19	MR. HEMENWAY: Are you instructing him not	13:21:05
20	to answer?	13:21:05
21	MS. HAYWARD: I'm asking you as counsel to	13:21:08
22	tell me where that is within these topics before I	13:21:08
23	instruct the witness one way or the other.	13:21:10
24	MR. HEMENWAY: The topics involve	13:21:13
25	financial -- hold on. I'm trying to pull up the	13:21:19

1 notice. Sorry. 13:21:21

2 MS. HAYWARD: I'll share it. 13:21:29

3 MR. HEMENWAY: Yeah. Thank you. So the 13:21:31

4 services PharmaCorr performed for the merger 13:21:39

5 parties or to the debtor. 13:21:41

6 MS. HAYWARD: Okay. Merger parties -- 13:21:44

7 MR. HEMENWAY: No. I understand the 13:21:48

8 definitions, but he's testified that YesCare 13:21:49

9 didn't exist until after the divisional merger. 13:21:51

10 And we're asking about services performed in -- in 13:21:57

11 February, March 2022 for YesCare. 13:22:05

12 MS. HAYWARD: Okay. That is not within 13:22:08

13 the scope of these topics, unless you can point me 13:22:09

14 to where it is. 13:22:13

15 MR. HEMENWAY: All right. 13:22:15

16 BY MR. HEMENWAY: 13:22:15

17 Q Mr. Lefkowitz, who is PharmaCorr 13:22:16

18 performing services for in February and 13:22:18

19 March 2022, when it was working with YesCare to 13:22:23

20 submit RFP responses? 13:22:30

21 MS. HAYWARD: I'm sorry -- 13:22:34

22 A I think the question -- Melissa, I think I 13:22:35

23 can handle this question because I asked -- this 13:22:38

24 question was asked and answered numerous times. 13:22:42

25 He likes to clarify it in plain English, I think. 13:22:43

1 So PharmaCorr did not provide services to
2 anyone. PharmaCorr sells drugs. It's a drug
3 dealer, has a license to buy drugs and sell drugs.

4 Prior to the divisional merger, it sold
5 drugs to Corizon and Corizon's clients. After the
6 divisional merger, it sold drugs to YesCare or
7 YesCare's clients.

8 For every drug they sold, they invoiced
9 and they got paid. All other services has been
10 provided to Corizon or to YesCare. No other
11 monies has PharmaCorr received from Corizon or per
12 YesCare, other than the sale of drugs.

13 Q Okay. So I'm asking about Corizon RFPs in
14 February and March 2022. If PharmaCorr was
15 referenced in those, was that done by Corizon
16 without involving PharmaCorr?

17 MS. HAYWARD: Objection, form. If you're
18 going to ask the witness about a document, please
19 show him the document.

20 MR. HEMENWAY: I didn't ask about a
21 document.

22 MS. HAYWARD: Well, you referenced an RFP
23 which I have to assume is some kind of a document.
24 So if you're going to be asking the witness to
25 testify regarding something that is within the

1 document, the witness needs to see the document. 13:24:14

2 MR. HEMENWAY: I'm not asking about 13:24:16

3 something in the document. 13:24:17

4 MS. HAYWARD: Then objection, best 13:24:18

5 evidence; hearsay; and vague. 13:24:20

6 Q Did PharmaCorr work with Corizon on RFPs? 13:24:26

7 A So I have a problem because this is the 13:24:32

8 third time you're asking about an RFP. 13:24:35

9 An RFP is a request for proposal. RFP is 13:24:38

10 not an agreement. An RFP is not a contract. RFP 13:24:42

11 is not an obligation. An RFP is a fail switch. 13:24:45

12 Anyone can go and sell to anyone that's seeking an 13:24:50

13 RFP. 13:24:55

14 And in the RFP you provide information: I 13:24:56

15 will sell particular service, and I will drive an 13:25:00

16 electric car that I'm going to buy from Tesla 13:25:06

17 that's owned by Elon Musk. That's all it does. 13:25:10

18 PharmaCorr has not done any RFPs other 13:25:15

19 than to PharmaCorr's clients, not to PharmaCorr's 13:25:20

20 client's clients. So when PharmaCorr sells, it 13:25:25

21 pitches to its clients. 13:25:29

22 One of the numerous clients that 13:25:31

23 PharmaCorr has was Corizon, no longer, and 13:25:35

24 YesCare. When they make a sale, they pitch their 13:25:41

25 goods. They pitch their pricing. They pitch 13:25:45

1 their terms. And they pitch the products. That's 13:25:48
2 as far as it goes, PharmaCorr's involvement in an 13:25:52
3 RFP. 13:25:56
4 Q Okay. 13:25:57
5 MR. HEMENWAY: Let's pull up the -- what 13:26:00
6 we'll -- whatever the next exhibit number is. And 13:26:05
7 this is from the most -- most recent amended 13:26:08
8 statement of financial affairs. 13:26:14
9 A Of which company? 13:26:18
10 Q The only company that has filed in 13:26:20
11 the -- the debtor. 13:26:23
12 REMOTE TECHNICIAN: Sorry, Counsel, do you 13:26:32
13 have a Bates number? 13:26:33
14 MR. HEMENWAY: This is one of the ones 13:26:35
15 that wouldn't have a Bates. It's page 220 in the 13:26:37
16 title. 13:26:42
17 REMOTE TECHNICIAN: Page 220. Okay. 13:26:42
18 Stand by. I see it. 13:26:43
19 (Exhibit 6 marked for identification.) 13:26:43
20 BY MR. HEMENWAY: 13:27:02
21 Q So Mr. Lefkowitz, did PharmaCorr receive 13:27:02
22 \$300,000 on February 3rd as referenced in the 13:27:06
23 bottom column of this? 13:27:10
24 A Can you make this larger? Okay. I got it 13:27:12
25 now. 13:27:15

1 Q Yeah. Yeah. 13:27:17

2 A Yes. 13:27:22

3 Q What was that \$300,000 for? 13:27:22

4 A For goods. 13:27:25

5 Q Was it a prepayment? 13:27:27

6 A But there was -- this is part of a list 13:27:33

7 of -- of affiliated companies, and the debtor 13:27:38

8 chose to list PharmaCorr as an affiliated company, 13:27:41

9 but it was payment for product. 13:27:44

10 Q Was it payment in response to an invoice 13:27:58

11 or was it one of the prepayments that we talked 13:28:01

12 about earlier? 13:28:04

13 A I don't know. And when I say I don't 13:28:06

14 know, I don't know looking at this exhibit here. 13:28:08

15 I would have to go back to the debtor and see the 13:28:12

16 backup for it. 13:28:15

17 Q Okay. What about the first two entries on 13:28:16

18 here, AmerisourceBergen? You testified earlier 13:28:23

19 that they were a pharmaceutical company that 13:28:26

20 PharmaCorr worked with. 13:28:29

21 A Correct. 13:28:31

22 Q Were these payments made on PharmaCorr's 13:28:31

23 behalf? 13:28:36

24 A On behalf of the debtor. 13:28:36

25 Q The debtor -- can you explain that? 13:28:42

1 A So in December or January of '22, the 13:28:48
2 debtor owed \$950,000 to AmerisourceBergen. 13:28:56
3 Nothing to do with PharmaCorr. 13:29:02
4 Q So the debtor purchased pharmaceuticals 13:29:07
5 directly from AmerisourceBergen in addition to 13:29:10
6 producing them from PharmaCorr? 13:29:12
7 A No. It was -- I went through -- it went 13:29:14
8 through PharmaCorr's license, but it wasn't a 13:29:16
9 PharmaCorr. In other words, AmerisourceBergen 13:29:21
10 insisted that Corizon pays this bill. It was for 13:29:28
11 a term contract. 13:29:33
12 Q And PharmaCorr didn't owe 13:29:34
13 AmerisourceBergen any funds? 13:29:40
14 A Would have been other -- those two 13:29:45
15 invoices of \$956,707.08 was a Corizon obligation 13:29:47
16 to a PharmaCorr vendor. 13:29:58
17 Q Okay. 13:30:00
18 MR. HEMENWAY: Let's go ahead and pull up 13:30:03
19 5672. They have that? Go ahead and pull up 5672, 13:30:11
20 Malcolm, and we're going to pull up 5673 after 13:30:19
21 that. 13:30:22
22 REMOTE TECHNICIAN: All right. Stand by. 13:30:23
23 BY MR. HEMENWAY: 13:30:30
24 Q Mr. Lefkowitz, this first -- I'm just 13:30:31
25 showing you this first one because I don't want to 13:30:34

1	show you a spreadsheet out of context.	13:30:38
2	The first one just shows when you received	13:30:40
3	this spreadsheet.	13:30:43
4	REMOTE TECHNICIAN: Sorry, Counsel, just	13:30:50
5	one moment. I am pulling it up. I have to find	13:30:51
6	it.	13:30:56
7	(Exhibit 7 marked for identification.)	13:30:56
8	BY MR. HEMENWAY:	13:30:56
9	Q Well, we'll zoom in a little,	13:31:09
10	Mr. Lefkowitz, so you can see the spreadsheet	13:31:11
11	received from Michelle Rice on November 17, 2022.	13:31:13
12	So if we could go to the next one, or call this	13:31:20
13	part of the same exhibit, but 5673.	13:31:22
14	MR. HEMENWAY: Did we lose Mr. Lefkowitz	13:31:33
15	again?	13:31:35
16	MS. HAYWARD: Isaac?	13:31:38
17	THE WITNESS: I'm here.	13:31:40
18	MR. HEMENWAY: Oh, you're not on --	13:31:40
19	MS. HAYWARD: Maybe we lost the video.	13:31:44
20	THE WITNESS: You want to see me as well.	13:31:46
21	MR. HEMENWAY: Yes, sir.	13:31:48
22	THE WITNESS: I got to log out and log	13:31:50
23	back in because my camera froze.	13:31:52
24	MR. HEMENWAY: Okay. Thank you.	13:31:54
25	THE VIDEOGRAPHER: Should we go off the	13:31:57

1	record until he comes back in?	13:32:05
2	MR. HEMENWAY: Sure. That's fine.	13:32:06
3	THE VIDEOGRAPHER: Time is 1:32 p.m.	13:32:10
4	We're off the record.	13:32:11
5	(Whereupon a break was had.)	13:32:15
6	THE VIDEOGRAPHER: Time is 1:32 p.m.	13:32:43
7	We're back on the record.	13:32:49
8	BY MR. HEMENWAY:	13:32:51
9	Q Okay. So we're going to scroll up on this	13:32:54
10	document. And then you can see that at the top,	13:32:56
11	we've got a column that says PharmaCorr.	13:33:04
12	A Where did you get this document from?	13:33:13
13	Q Did you see the parent e-mail? We put it	13:33:15
14	up so we could see the context from it. It was	13:33:18
15	e-mailed to you in November. We can go back to it	13:33:20
16	if you'd like.	13:33:23
17	A This spreadsheet, where did you get this	13:33:24
18	spreadsheet from?	13:33:25
19	Q It was produced in litigation.	13:33:28
20	A Which -- who produced it? I thought you	13:33:30
21	said PharmaCorr did not produce anything.	13:33:35
22	Q It was produced by YesCare?	13:33:38
23	A Okay. So YesCare here? Is someone from	13:33:39
24	YesCare here?	13:33:43
25	Q Well, you're from YesCare, but we're	13:33:43

1 asking PharmaCorr questions, so -- 13:33:46

2 A But YesCare's counsel is not here so I 13:33:48

3 don't know if YesCare produced it or not. You're 13:33:51

4 showing me a spreadsheet. I don't know where it 13:33:53

5 came from. 13:33:55

6 Q That's fine. I'm representing you it came 13:33:56

7 from your e-mail. 13:33:59

8 A You can represent what you wish -- 13:33:59

9 MS. HAYWARD: Can we go back to the 13:34:00

10 e-mail? And again, if this is a YesCare document 13:34:01

11 that was sent to the witness in a different 13:34:04

12 capacity, then that's going to be outside the 13:34:07

13 scope of this deposition. 13:34:09

14 MR. HEMENWAY: No, it's not. The content 13:34:12

15 of the document is what determines the scope. And 13:34:12

16 we're going to ask about the content of the 13:34:14

17 document. 13:34:15

18 MS. HAYWARD: Hold on. If these are 13:34:15

19 PharmaCorr and YesCare relations, then that is not 13:34:17

20 within the scope of the document. 13:34:21

21 MR. HEMENWAY: So look at the dates on 13:34:23

22 these transfers. 13:34:25

23 MS. HAYWARD: Okay. And? 13:34:26

24 MR. HEMENWAY: They predate YesCare by 13:34:29

25 four months. I can pull up an earlier version of 13:34:32

1 the spreadsheet that's from the data if you want. 13:34:36

2 MS. HAYWARD: I'm sorry, can you go back 13:34:39

3 to the -- 13:34:40

4 MR. HEMENWAY: Sure. Malcolm, could you 13:34:40

5 go back to the prior page? 13:34:42

6 But Melissa, I just want to clarify your 13:34:46

7 position. Is your position that if we ask the 13:34:48

8 witness about a document that wasn't produced by 13:34:51

9 the party that's subject to the 30(b)(6) notice, 13:34:53

10 that that's improper? 13:34:55

11 MS. HAYWARD: No. 13:34:57

12 MR. HEMENWAY: Okay. 13:34:57

13 MS. HAYWARD: My -- my position is that 13:34:58

14 asking the witness about topics that are not 13:35:00

15 included on your notice of topics is improper. 13:35:03

16 MR. HEMENWAY: Yeah. And the topics that 13:35:07

17 included are transfers by the debtor -- 13:35:08

18 MS. HAYWARD: To the merger parties, 13:35:10

19 between the merger parties and PharmaCorr. This 13:35:12

20 appears to be a YesCare document. 13:35:14

21 MR. HEMENWAY: No. It's -- if you look at 13:35:17

22 the document, but if he wants to say that it 13:35:18

23 wasn't, that's fine. He can testify how he 13:35:21

24 testifies. I'm asking about the content of the 13:35:23

25 document which is well within the scope of topics. 13:35:25

1 Are you instructing him not to answer? 13:35:28

2 MS. HAYWARD: I haven't heard your 13:35:30

3 question yet. 13:35:32

4 MR. HEMENWAY: Well, earlier that didn't 13:35:32

5 stop you, but let's go to the -- 13:35:34

6 MS. HAYWARD: Objection, sidebar. 13:35:36

7 MR. HEMENWAY: Can we go to the next page 13:35:38

8 now? 13:35:43

9 And I apologize for the sidebar. It was 13:35:46

10 unnecessary. 13:35:51

11 BY MR. HEMENWAY: 13:35:53

12 Q So on January 10th, 2022, there's a 13:35:54

13 \$200,000 transfer to PharmaCorr. And then 13:36:01

14 following that, there's a credit for prepayment. 13:36:05

15 Is that how things worked? If PharmaCorr 13:36:11

16 needed funds like you described earlier, a 13:36:15

17 transfer would be made and then a credit on the 13:36:17

18 next -- is that on the next invoice? How would 13:36:19

19 that work? 13:36:23

20 MS. HAYWARD: Objection, form. 13:36:23

21 A So Mr. Hemenway, you confirmed that this 13:36:24

22 spreadsheet that you're putting in front of me you 13:36:37

23 received from YesCare. I happen to be a director 13:36:38

24 in YesCare and YesCare has counsel. Unless 13:36:43

25 YesCare's counsel is here, I object to the form, 13:36:46

1	the validity, the legality.	13:36:53
2	I will not respond to any questions	13:36:55
3	regarding a document that you say that you picked	13:36:57
4	up from YesCare. I'm here for PharmaCorr. If you	13:37:00
5	have a question about PharmaCorr, I can explain	13:37:04
6	you and I can testify.	13:37:08
7	Q Did PharmaCorr risk \$200,000 from Corizon	13:37:10
8	on January 10th, 2022?	13:37:15
9	A I don't have the financial records of	13:37:18
10	PharmaCorr in front of me. You can leave it blank	13:37:19
11	and I can fill it in, but I can't here testify on	13:37:22
12	a detail of a transaction and a date.	13:37:27
13	Q Did PharmaCorr -- did PharmaCorr have a	13:37:29
14	relationship with Charles Gassenheimer as of	13:37:31
15	January and February 2022?	13:37:35
16	A I don't know the dates of it, but there	13:37:39
17	was -- he was terminated and he was -- I think	13:37:45
18	there was some compensation for his termination.	13:37:51
19	Q Monthly compensation?	13:37:54
20	A Monthly, weekly, daily. I don't have the	13:37:59
21	records in front of me.	13:38:01
22	Q Was the compensation for his termination	13:38:03
23	paid to him directly or through a company that he	13:38:05
24	was affiliated with?	13:38:10
25	A I don't have the records in front of me.	13:38:13

1	Q Okay. Did PharmaCorr receive \$500,000	13:38:15
2	from Corizon on March 31st, 2022?	13:38:20
3	A Sir, I just answered you the previous	13:38:25
4	question, that I don't have the financial records	13:38:31
5	of PharmaCorr in front of me. I will not answer	13:38:33
6	something that's not in front of me that I have to	13:38:38
7	go by memory --	13:38:40
8	Q Well, one of the --	13:38:41
9	A -- remember -- you going to let me finish?	13:38:44
10	Q Go ahead.	13:38:47
11	A To remember -- to remember a date and a	13:38:47
12	dollar amount on a specific. If you can give me a	13:38:50
13	PharmaCorr record, I can testify to it.	13:38:59
14	Q Well, PharmaCorr refused to produce	13:39:02
15	records, so I can't give you any records.	13:39:06
16	A That you'll take up in your remedy,	13:39:07
17	whatever remedies you have, whether they refuse or	13:39:11
18	they don't refuse.	13:39:13
19	But if -- I'm here as the corporate	13:39:14
20	representative of PharmaCorr to testify. If you	13:39:17
21	want to leave a blank on a specific date and the	13:39:18
22	specific dollar amount on a specific payee, you	13:39:22
23	want us to fill it in, I'll be glad to do it. But	13:39:26
24	I can't testify from memory, remember dollar	13:39:29
25	amounts and dates without the documents in front	13:39:33

1 of me. I'm talking about the financial records in 13:39:36
2 front of me. 13:39:38
3 Q Okay. So if you -- if we ask about 13:39:38
4 specific dates and payments, you'll look at the 13:39:44
5 financial records and tell us the answers? 13:39:46
6 MS. HAYWARD: Objection -- 13:39:49
7 A Absolutely. 13:39:51
8 MS. HAYWARD: -- form. 13:39:52
9 Q I'm trying to understand your last 13:39:53
10 question -- your last response. 13:39:55
11 A If you have a legitimate blank question 13:40:00
12 that I don't have information here and that's part 13:40:02
13 of the scope of discovery and it's part of the 13:40:05
14 topics that we agreed on, I just don't have the 13:40:08
15 records in front of me, and if you want me at a 13:40:11
16 later date to fill in that information and as it 13:40:14
17 correlates with -- 13:40:17
18 Q I see. 13:40:17
19 A What's that? 13:40:18
20 Q I -- that -- 13:40:20
21 A What did you say? 13:40:20
22 Q -- that clarification. I understand now. 13:40:22
23 A No, no, no -- 13:40:24
24 MS. HAYWARD: To be clear -- 13:40:24
25 A But you interrupted me the answer, so let 13:40:26

1	me repeat my answer.	13:40:31
2	If you have a specific question that	13:40:31
3	relates to financial documents that I don't have	13:40:33
4	in front of me but you want me to fill it in, and	13:40:36
5	it's part of the scope of topics that we agreed	13:40:40
6	that we're going to testify on, a later date we'll	13:40:43
7	provide it to you.	13:40:46
8	MS. HAYWARD: Just so the record is very	13:40:48
9	clear, I requested from the Committee a detailed	13:40:51
10	list of topics, including specific transactions	13:40:54
11	that the Committee intended to ask questions	13:40:56
12	about, so that the witness could prepare himself.	13:40:59
13	MR. HEMENWAY: Record of -- we're not	13:41:01
14	going to create a record of false statements.	13:41:03
15	Let's just --	13:41:05
16	MS. HAYWARD: That's not a false statement	13:41:05
17	at all.	13:41:07
18	MR. HEMENWAY: Next question.	13:41:07
19	MS. HAYWARD: That's the whole point of	13:41:08
20	requesting detailed lists of scope of topics.	13:41:09
21	MR. HEMENWAY: We'll just keep moving	13:41:13
22	forward.	13:41:15
23	MS. HAYWARD: Okay.	13:41:16
24	BY MR. HEMENWAY:	13:41:16
25	Q Mr. Lefkowitz, what happens to medical	13:41:18

1 inventory when a contract ends, do you know from 13:41:23
2 your experience at PharmaCorr? 13:41:29
3 MS. HAYWARD: Objection, form. 13:41:32
4 A It gets -- 13:41:32
5 Q I couldn't hear you, Mr. Lefkowitz. 13:41:37
6 A So medical inventory, you need to define 13:41:40
7 medical inventory. Usable inventory? Nonusable 13:41:44
8 inventory? 13:41:47
9 Q Let's say medications that are usable. 13:41:48
10 A The vendor that takes over the term picks 13:41:59
11 up the inventory. 13:42:03
12 Q And do they compensate the prior vendor 13:42:04
13 for that? 13:42:08
14 A Yes, in general. 13:42:12
15 Q Did that occur with PharmaCorr inventory 13:42:14
16 in connection with Idaho facilities? 13:42:20
17 MS. HAYWARD: Objection, form. Are those 13:42:24
18 facilities with respect to the debtor? 13:42:26
19 Q Facilities in -- sure. Facilities with 13:42:30
20 respect to the debtor. 13:42:35
21 A I wasn't involved when the Idaho contract 13:42:37
22 was terminated. 13:42:40
23 Q Were you involved in negotiating any 13:42:41
24 settlement with the new provider in Idaho as to 13:42:45
25 inventory? 13:42:50

1	A I don't believe so.	13:42:51
2	Q How about Kansas, did that happen when the	13:42:54
3	Kansas contract terminated?	13:42:57
4	A I wasn't involved there either.	13:42:59
5	Q In the termination of the contract, or in	13:43:06
6	the negotiation of any settlement, or both?	13:43:08
7	A Neither.	13:43:10
8	Q Do you know if PharmaCorr received any	13:43:11
9	funds in connection with inventory in either of	13:43:14
10	those locations, the debtor's facilities in Idaho	13:43:18
11	or in Kansas?	13:43:21
12	A What period?	13:43:24
13	Q In any period.	13:43:25
14	A Like I said, you can't ask me a question	13:43:30
15	without information in front of me.	13:43:33
16	Q I --	13:43:35
17	A You can --	13:43:37
18	Q I asked in your --	13:43:37
19	A Are you going to let me finish? Are you	13:43:38
20	going to let me finish the answer?	13:43:39
21	You show me a date and a time and either	13:43:42
22	recollect my memory if I'm involved or I can tell	13:43:48
23	you that I wasn't involved. I don't remember	13:43:51
24	being involved in Idaho, and I don't remember	13:43:53
25	being involved in Kansas.	13:43:55

1 You're asking me whether they ever got 13:43:59
2 compensation. I don't know if you're talking 13:44:00
3 2020, 2021, 2022, 2023, and you're asking at any 13:44:05
4 time. 13:44:08

5 And I say, I can't give you a broad answer 13:44:09
6 on any time unless there's specifics. If you 13:44:11
7 want, I can go back and do the research and come 13:44:15
8 back with an answer, but I don't have the answer 13:44:20
9 in front of me. 13:44:22

10 Q Are you through? 13:44:22

11 A Usually when I stay silent, I'm through. 13:44:23
12 I don't interrupt you and you shouldn't interrupt 13:44:29
13 me. 13:44:32

14 Q Okay. I'll take that as a yes. 13:44:32

15 So the question that I'm asking is about a 13:44:34
16 very specific type of payment. 13:44:37

17 I asked if PharmaCorr received funds in 13:44:39
18 connection with inventory that was sold, provided, 13:44:45
19 whatever, to a new provider in those locations. 13:44:52

20 A So you must be extremely confused or 13:45:02
21 deliberately trying to confuse me. I'm ready to 13:45:06
22 explain it again. I thought that I gave you a 13:45:10
23 clear explanation and you even told me you 13:45:12
24 appreciated the explanation. 13:45:16

25 When we buy inventory, we become the owner 13:45:19

1 of the inventory, talking about we as PharmaCorr. 13:45:22

2 Q Uh-huh. 13:45:25

3 A When we sell the inventory, we are no 13:45:26

4 longer the seller or the -- we are no longer the 13:45:29

5 owner of that inventory. Whoever bought that 13:45:32

6 inventory from us, that inventory belongs to that 13:45:35

7 person who bought it. 13:45:40

8 So let's say Idaho. PharmaCorr, once it 13:45:42

9 ships to Idaho and it gets paid, they are divorced 13:45:48

10 forward the product. There is, however, certain 13:45:50

11 guidelines and rules and laws and custody chain of 13:45:56

12 pharmaceuticals. You can't just have 13:46:01

13 pharmaceuticals, usable or unusable, laying around 13:46:03

14 if it's not being used. It needs to go back to 13:46:07

15 the pharmacy. The pharmacy needs to send it back 13:46:14

16 to the wholesaler. The wholesaler needs to send 13:46:18

17 it back to the manufacturer for destruction, to 13:46:21

18 destroy the product. 13:46:28

19 So what is it exactly specifically that 13:46:29

20 you're referring to that you believe myself, as a 13:46:32

21 representative of PharmaCorr and a specific 13:46:34

22 transaction that I need to have direct knowledge 13:46:38

23 of? The general scope I gave you, custody of 13:46:40

24 drugs, how it's moved into the facility and how 13:46:46

25 it's moved back out unusable, so what is it 13:46:50

1 exactly that you're referring to? 13:46:53

2 Q Well, I think that did answer it. Because 13:46:54

3 I -- I was referring to what happens after it's 13:46:56

4 been delivered and there's somebody else in the 13:46:58

5 facility. 13:47:01

6 And it sounds like once it's been 13:47:01

7 delivered, PharmaCorr doesn't own it anymore so 13:47:04

8 PharmaCorr wouldn't be involved in that, correct? 13:47:07

9 A Exactly. 13:47:09

10 Q Okay. 13:47:10

11 A Except -- except that PharmaCorr sometimes 13:47:10

12 is obligated to take back the drug, to ship it 13:47:15

13 back to its chain of custody, to go back to the 13:47:20

14 wholesaler, to go back to the manufacture to 13:47:24

15 destroy the drug. 13:47:27

16 Q And did that occur with Idaho or Kansas to 13:47:28

17 your knowledge? 13:47:30

18 A I don't know about Idaho and Kansas. I'm 13:47:30

19 just giving you a general rule what happens to 13:47:34

20 pharmacy drugs in a facility, whether it's a 13:47:37

21 correctional facility, nursing home facility, or 13:47:40

22 any facility where the drugs are there, it's a 13:47:43

23 chain of custody, needs to go back to its origin. 13:47:45

24 And at that point, PharmaCorr is a chain -- is a 13:47:50


25 link in the chain that is involved in the return 13:47:53

1	of goods.	13:47:56
2	Q Okay.	13:47:57
3	MR. HEMENWAY: Let's take a short break	13:48:07
4	and I think then we'll wrap up with PharmaCorr and	13:48:09
5	go into Perigrove.	13:48:12
6	MS. HAYWARD: Okay. How long do you want?	13:48:13
7	Five minutes? Ten minutes?	13:48:16
8	MR. HEMENWAY: Let's just start up at	13:48:18
9	2:00.	13:48:20
10	MS. HAYWARD: Okay.	13:48:20
11	MR. HEMENWAY: All right. Thanks guys.	13:48:20
12	THE VIDEOGRAPHER: The time is 1:48 p.m.	13:48:23
13	We're going off the record.	13:48:24
14	(Whereupon a break was had.)	13:48:26
15	MR. HEMENWAY: The 2004 four of PharmaCorr	14:00:53
16	concludes.	14:00:57
17	(Whereupon the proceedings concluded at	
18	2:01 p.m. CST)	
19		
20		
21		
22		
23		
24		
25		

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Karisa Ekenseair, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 21st day of August, 2023.



Karisa Ekenseair, CCR, RMR LS #5753

A			
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Transcript of Isaac Lefkowitz, Corporate Designee (PHARMACORR)

Conducted on August 14, 2023

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